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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,305	12/29/2000	Donald Brent Marshall	56130.000042	6732

7590

11/15/2005

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EXAMINER

WOOD, WILLIAM H

ART UNIT

PAPER NUMBER

2193

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,305	MARSHALL ET AL.	
	Examiner	Art Unit	
	William H. Wood	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 10-30 is/are allowed.
- 6) ☒ Claim(s) 31-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-8 and 10-47 are pending and have been examined.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 31, 33, 35, 36, 38, 40-44, 46 and 47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 31, 33, 35, 36, 38, 40 and 46 now include the limitation, "determining if dependency resources have started up". The originally filed disclosure does not provide for this new limitation. Claims 41-44 and 47 now include the limitation, "wherein the indication of the state change is received from a managed object interpreter of the first resource". The originally filed disclosure does not provide for this new limitation.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 31, 33, 35, 36, 38, 40 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by **Wang**, "Telecommunications Network Management".

Claim 31

Wang disclosed a method of managing dependencies in a component-based system comprising:

- ♦ performing at least one of a startup and an initialization of a resource up to intercomponent connection (*page 305, section "Procedural status attribute"*);
- ♦ determining if the resource has any dependency resources, the resource and its dependency resources forming a group of resources (*page 296, section "NE level provisioning", required physical and logical resources; and page 298, section "NE resource configuration maintenance"*);
- ♦ determining if dependency resources have started up (*page 305, last two lines of page, "Power off"*);
- ♦ waiting for dependency resources to complete initialization (*page 305, section "Procedural status attribute"*);
- ♦ establishing connections to dependency resources (*page 294, section "Network connection management"*);
- ♦ proceeding with the at least one of startup and initialization (*page 305, section "Procedural status attribute"*); and

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- ♦ establishing connections to the resource from the dependency resources
(page 294, “Network connection management”); and
- ♦ monitoring the dependency resources during runtime (page 296, section “NE level provisioning”, during the runtime of the management system, the section states interfacing resources to receive notification on state or status change).

Claim 33

Wang disclosed the method of claim 31 wherein determining if the resource has any dependency resource comprises determining dependency inter-component connection information from inter-component connection information received from an inter-component connection manager (page 294, section “Network connection management”; page 296, section “NE level provisioning”, required physical and logical resources; and page 298, section “NE resource configuration maintenance”; components to be connected being dependent).

Claim 35

Wang disclosed the method of claim 31 wherein performing startup of the dependency resources comprises requesting a resource pool manager to assign a dependency resource from the resource pool (page 300, section “Switch-over”).

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Claims 36, 38, 40 and 46

The claims 36, 38, 40 and 46 correspond to method claims 31, 33 and 35 respectively and are rejected in the same manner.

5. Claims 41-44 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by **Svedberg** et al. (USPN 5,408,218).

Claim 41

Svedberg disclosed a method of managing dependencies in a component-based system (*column 2, lines 30-40, lines 57-61; column 3, lines 59-63*) comprising:

- ♦ receiving indication of a state change for a first resource during runtime (*column 5, lines 36-43, operational state is “propagated”*), wherein the indication of the state change is received from a managed object interpreter of the first resource (*column 5, lines 31 and 45, “MO”*);
- ♦ transmitting the indication of the state change of the first resource to a second resource dependent on the first resource (*column 5, lines 36-43*);
- ♦ receiving indication of a state change of the second resource (*column 5, lines 36-43*).

Claim 42

Svedberg disclosed the method of claim 41 wherein receiving indication of the state change of the first resource comprises receiving indication of the state change from a

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managed object view of the first resource (*column 5, lines 36-52; Managed Objects, MO*), transmitting the indication of state change to the second resource comprises transmitting the indication to a managed object view of the second resource (*column 5, lines 36-52*) and receiving indication of the state change of the second resource comprises receiving the indication of state change from the managed object view of the second resource (*column 5, lines 36-52*).

Claims 43-44 and 47

The system claims 43 and 44 correspond to the method claims 41 and 42 respectively and are rejected in the same manner. The computer executable code of claim 47 corresponds to the method claim 41 and as such is rejected in the same manner.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 32, 34, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang**, "Telecommunications Network Management" in view of **Curtis** (USPN 6,442,754).

Claim 32

Wang did not explicitly state method of claim 31 further comprising:

- ♦ receiving indication from the resource that its internal resources have been successfully allocated and that the resource is waiting for connection;
- ♦ requesting connection information from an inter-component connection manager; and
- ♦ receiving inter-component connection information from the inter-component connection manager.

Curtis demonstrated that it was known at the time of invention to provide software components/resources, which have dependencies satisfied (column 4, lines 10-25).

Furthermore, **Wang** demonstrated network connection management (page 294, section “Network connection management”). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the component dependencies of **Wang** with receiving an indication dependencies/internal resources are allocated and ready/waiting for connection (obvious because, **Curtis** indicates important for correct operation of components); requesting connection information from connection manager (obvious because, **Wang** connects components when objects can function correctly with dependencies); and receiving connection information (obvious because, **Wang** needs information to perform connection) as found in **Wang** and **Curtis**’ teaching.

Claim 34

Wang did not explicitly state the method of claim 31 wherein inter-component connection the resources comprises:

- ♦ placing the resource on a ready for inter-component connection list until the dependency resources have been started;
- ♦ receiving indication from the dependency resource that its internal resources have been successfully allocated and that the dependency resource is waiting for inter-component connection;
- ♦ requesting inter-component connection information from a inter-component connection manager; and
- ♦ traversing all entries of inter-component connection information.

Official Notice is taken that it was known at the time of invention to utilize lists or queue of waiting operations. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the resource dependency connection system of **Wang** with list of waiting resources until they are ready. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide an organized system of managing resources as they are prepared for correctly functioning operation.

Wang did not explicitly state receiving indication from the dependency resource that its internal resources have been successfully allocated and that the dependency resource is waiting for inter-component connection; requesting inter-component connection

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information from a inter-component connection manager; and traversing all entries of the inter-component connection information. **Curtis** demonstrated that it was known at the time of invention to provide software components/resources, which have dependencies satisfied (column 4, lines 10-25). Furthermore, **Wang** demonstrated network connection management (page 294, section "Network connection management"). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the component dependencies of **Wang** with receiving an indication dependencies/internal resources are allocated and ready/waiting for connection (obvious because, **Curtis** indicates important for correct operation of components); requesting connection information from connection manager (obvious because, **Wang** connects components when objects can function correctly with dependencies); and traversing all entries of the inter-component connection information (obvious because, **Wang** will connect all required connections) as found in **Wang** and **Curtis**' teaching.

Claims 37 and 39

The claims 37 and 39 correspond to the method claims 32 and 34 and as such are rejected in the same manner indicated previously.

Allowable Subject Matter

8. Claims 1-8, 10-30 and 45 are allowed.

9. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest the claimed invention. Specifically, the prior art of record fails to teach or suggest wherein identifying the type of dependency comprises identifying the dependency as one of a resource that is contained by and entity and a resource that is used by the entity, as recited in independent claims.

Response to Arguments

10. Applicant's arguments filed 19 August 2005 have been fully considered but they are not persuasive. Applicant's arguments are addressed by the above modified rejections. Thus the claims remain rejected as indicated above.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
November 10, 2005



TODD INGBERG
PRIMARY EXAMINER